

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MAJOR SUBDIVISION TO
FORMALLY PLAT LOT 388R**

RESOLUTION NO. 2019-0919-15

- A. Brad T. Burns and Betsy D. Burns ("Owners") are the owners of record of real property described as Lot 388R, Town of Mountain Village, County Of San Miguel, State Of Colorado.
- B. The Owner has requested approval of the major subdivision application to formally plat Lot 388R ("Application").
- C. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- D. The Town Council finds that the major subdivision meets the criteria for decision set forth in Section 17.4.13 of the CDC as follows:
 - 1. The lots resulting from the replat are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
 - 2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan because the lots and the surrounding area will remain single-family in nature, the densities remain low consistent with single family zoning, and the properties will otherwise look and feel the same;
 - 3. Subdivision access complies with Town standards and codes.
 - 4. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
 - 5. The proposed subdivision meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE MAJOR SUBDIVISION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Applicant shall maintain access for public use of existing trail easements in their current location on Lot 388, as shown in provided exhibits.
- 2) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 3) Staff will review the final proposed plat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications and provide redline comments to the applicant prior to execution of the final mylar.
- 4) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

Section 1. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 2. Severability

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

Section 3. Effective Date

This Resolution shall become effective on September 19, 2019 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 19th day of September 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public meeting held on September 19, 2019.



Town of Mountain Village, Town Council

By: *Laila Benitez*
 Laila Benitez, Mayor

Attest:

By: *Jackie Kenefick*
 Jackie Kenefick, Town Clerk

Approved as to Form:

James Mahoney
 James Mahoney, Assistant Town Attorney